



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
 WASHINGTON, D.C. 20555-0001

May 3, 1996

Mr. Jay Thayer, Vice President  
 Vermont Yankee Nuclear Power Corporation  
 Ferry Road  
 Brattleboro, VT 05301

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -  
 VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. M95207)

Dear Mr. Cole:

By letter dated April 15, 1996, and affidavit executed by Noman M. Cole, MPR Associates, Inc. on April 3, 1996, you submitted "Vermont Yankee Nuclear Power Station Core Shroud Repair Design Report" and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. You also submitted a non-proprietary version for the Public Document Room.

The affidavit states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

The information sought to be withheld from public disclosure, which is owned and has been held in confidence by MPR Associates, is the design of the shroud repair system for the Vermont Yankee Nuclear Power Station.

The information consists of design information or other similar data concerning a repair system, method or component, the application of which results in substantial competitive advantage to MPR Associates. MPR has a patent application pending for this shroud repair system.

The information is of a type customarily held in confidence by MPR Associates and not customarily disclosed to the public. MPR Associates has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. This system was applied in determining that the subject document [...] is proprietary.

The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.

The information [...] is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.

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Public disclosure of the information is likely to cause substantial harm to the competitive position of MPR Associates because:

- a. Other repairs for similar purposes are performed and sold by major light water reactor competitors of MPR Associates.
- b. Development of these repair designs by MPR Associates required thousands of manhours and hundreds of thousands of dollars. [... A] competitor would have to undergo similar expense in generating equivalent information.
- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop these repair designs.
- d. The information consists of information related to repair of cracked shrouds in the Vermont Yankee Nuclear Power Station and other BWRS [boiling water reactors] as well. The application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their designs to better compete with MPR Associates, take marketing or other actions to improve their position or impair the position of MPR Associates' design, and avoid developing similar data and analyses in support of their design methods or shroud repair system.
- e. In pricing MPR Associates products and services, significant research, development, engineering, analytical, manufacturing, quality assurance and other costs and expenses must be included. The ability of MPR Associates' competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- f. Use of the information by competitors in the international marketplace would increase their ability to market such repair designs by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on MPR Associates' potential for obtaining or maintaining foreign licensees.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of the statements provided, have determined that the submitted information sought to be withheld contains proprietary commercial information.

Therefore, the "Vermont Yankee Nuclear Power Station Core Shroud Repair Design Report" marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

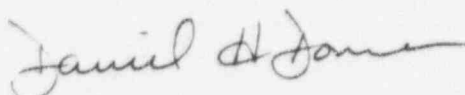
J. Thayer

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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,



Daniel H. Dorman, Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: See next page

Vermont Yankee Nuclear Power  
Corporation

cc:

Regional Administrator, Region I  
U. S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

R. K. Gad, III  
Ropes & Gray  
One International Place  
Boston, MA 02110-2624

Mr. Richard P. Sedano, Commissioner  
Vermont Department of Public Service  
120 State Street, 3rd Floor  
Montpelier, VT 05602

Public Service Board  
State of Vermont  
120 State Street  
Montpelier, VT 05602

Chairman, Board of Selectmen  
Town of Vernon  
P.O. Box 116  
Vernon, VT 05354-0116

Noman M. Cole  
MPR Associates, Inc.  
320 King St.  
Alexandria, VA 22314

G. Dana Bisbee, Esq.  
Deputy Attorney General  
33 Capitol Street  
Concord, NH 03301-6937

Mr. Robert J. Wanczyk, Plant Manager  
Vermont Yankee Nuclear Power Station  
P.O. Box 157, Governor Hunt Road  
Vernon, VT 05354

Vermont Yankee Nuclear Power Station

Resident Inspector  
Vermont Yankee Nuclear Power Station  
U.S. Nuclear Regulatory Commission  
P.O. Box 176  
Vernon, VT 05354

Chief, Safety Unit  
Office of the Attorney General  
One Ashburton Place, 19th Floor  
Boston, MA 02108

Mr. David Rodham, Director  
ATTN: James Muckerheide  
Massachusetts Civil Defense Agency  
400 Worcester Rd.  
P.O. Box 1496  
Framingham, MA 01701-0317

Mr. Raymond N. McCandless  
Vermont Division of Occupational  
and Radiological Health  
Administration Building  
Montpelier, VT 05602

Mr. J. J. Duffy  
Licensing Engineer  
Vermont Yankee Nuclear Power  
Corporation  
580 Main Street  
Bolton, MA 01740-1398

Mr. Donald A. Reid  
Vice President, Operations  
Vermont Yankee Nuclear Power  
Corporation  
Ferry Road  
Brattleboro, VT 05301

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Sincerely,

ORIGINAL SIGNED BY:

Daniel H. Dorman, Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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cc: See next page

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